

## CITY COUNCIL STUDY SESSION

State Legislative Update

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## DIRECTION NEEDED FROM COUNCIL

### INFORMATION ONLY

No action is required; this is an informational briefing. The State Legislature addresses a range of policy issues of interest to the City. Council may wish to provide direction to staff regarding legislative proposals.

## RECOMMENDATION

N/A

## BACKGROUND & ANALYSIS

The Legislature is more than halfway through the 60-day 2022 Legislative Session. Several critical cutoff deadlines have passed, significantly narrowing the list of bills under consideration. Notably, as of February 15, all House bills (HB) must have passed the House, and all Senate bills (SB) must have passed the Senate to remain under consideration. The bills that remain have been assigned to committees and will be scheduled for the same type of work sessions, public hearings, and debate as in the original chamber. Over the remaining weeks, the House and Senate will continue to release their proposed supplemental operating, capital, and transportation budgets and then will try to negotiate the differences prior to March 10. The following report includes information as of February 18.

### Session Cutoff Calendar

February 3, 2022	Policy Committee Deadline
February 7, 2022	Fiscal Committee Deadline
February 15, 2022	Chamber of Origin Deadline
<b>February 24, 2022</b>	<b><u>Opposite Chamber Policy Committee Deadline</u></b>
February 28, 2022	Opposite Chamber Fiscal Committee Deadline
March 4, 2022	Opposite Chamber Deadline
March 10, 2022	Session adjourns - Sine Die

### Quarterly Revenue Forecast Update

Four times a year, the Washington State Economic and Revenue Forecast Council adopts a bipartisan revenue forecast that is then used to build and adjust the states biennial budgets. On February 16, the Washington State Economic and Revenue Forecast Council released updated forecasts, once again bringing budget writers good news - the state is expected to collect \$2.8 billion more in revenue over

four years. Combined with the prior increases experienced since lawmakers adopted the 2021-23 budget, revenues have now exceeded expectations by \$10.5 billion. Additional details can be found [here](#).

### **Capital Budget**

On February 16, the Senate released a bipartisan supplemental capital budget that makes sizeable investments in housing (\$472 million), broadband (\$120 million), water (\$327 million), and seismic safety (\$115 million). In total, the proposal spends \$94.8 million in available bond capacity, \$561.6 million in American Rescue Plan Act (ARPA) State Fiscal Recovery Funds balance, and \$290.3 million for the initial available federal Bipartisan Infrastructure Law (BIL) grants.

During the 2021 legislative session, the City of Bellevue requested and received \$2 million for Eastgate permanent supportive housing. Unfortunately, the Eastgate permanent supportive housing was not able to advance. The City requested that the Legislature transfer this \$2 million from the Eastgate permanent supportive housing project to the Illahee Apartment project. The House and Senate proposed Supplemental Capital Budgets both reflect this transfer.

Below are the investments made in various spending categories:

### **Housing:**

- \$290 million is provided for the rapid conversion of property into emergency shelters, permanent supportive housing, transitional housing, and youth housing. The funding will be used for housing projects that move people from unsanctioned encampments and public rights-of-way into transitional and more permanent housing solutions, and for housing projects in rural areas.
- \$71 million is provided for the production and preservation of permanent affordable housing. The Housing Trust Fund program builds affordable housing units to serve a broad spectrum of vulnerable populations.
- \$86 million is provided to expand capacity for individuals in crisis, particularly the homeless, to have a short-term housing solution and receive care. This funding will create new capacity for 23-hour crisis triage facilities, crisis stabilization facilities, and youth residential crisis triage and stabilization facilities.
- \$25 million is provided for the Habitat for Humanity to build affordable housing units for lower-income individuals and families

Notably, here is how the Senate Proposal compares to Governor's proposal for Housing:

	<i>Senate Proposal</i>	<i>Governor's Proposal</i>
Rapid Capital Fund	\$290 million	\$335 million
Housing Trust Fund	\$71 million	\$100 million
Crisis Stabilization Fund	\$86 million	\$60 million
Habitat for Humanity	\$25 million	-
Total Investment	\$472 million	\$495 million

### Government Operations and Local Government Support:

- \$120 million is provided for broadband planning and broadband infrastructure deployment under the Broadband Equity, Access, and Deployment Program as part of the BIL. \$15 million is provided as state match for Community Economic Revitalization Board, Public Works Board, and State Broadband Office allocations.
- \$69 million is provided for the Weatherization Plus Health Program through the BIL. This program upgrades low-income homes with energy-efficient improvements and leverages utility and other matching funds.
- \$44.5 million is provided to cover the costs that reflect the inflationary cost increases of materials and supply chain issues. \$39.5 million of this amount is available at the Office of Financial Management (OFM) to provide relief to projects that are actively in construction. \$5 million is provided to Commerce to provide relief to local and community projects as well as community relief projects.
- \$16 million is provided for expanded behavioral health services in communities.
- \$5.3 million is provided for additional access to oral health care at community health centers.

### Natural Resources:

#### *Clean Water*

- \$236 million is provided for projects that plan, design, acquire, construct, and improve water pollution control facilities and related non-point source activities to meet state and federal water pollution control requirements. Of the total, \$200 million is an investment of early loan repayments into the Clean Water State Revolving Fund, and \$33 million is provided from the BIL.
- \$500,000 is provided for the Department of Ecology, in collaboration with partner agencies, to develop local capacity and private investments in advancing implementation of stormwater retrofits statewide, especially among historically underserved communities.
- \$4.9 million is provided for new investments in stormwater cleanup: the 6PPD Tire-Wear Particle Stormwater Project Partnership and the Port of Port Angeles Stormwater Project.

#### *Clean up of Toxic Sites*

- \$4 million is provided for the cleanup of the Eatonville Landfill. The cleanup will be coordinated with the development of the Nisqually-Mashel State Park, which surrounds the landfill property. Once cleaned, the former landfill site will be integrated into the park.
- \$2.3 million is provided for the final cleanup of the Pacific Wood Treating Site. The final cleanup phase will be located on the off-property portion of the site, including 15 residential properties and 36 rights-of-way.

#### *Other Natural Resource Investments*

- \$2.6 million is provided for improvements at two state parks: Field Springs and Kopachuck.

- \$2 million is provided to design and reconstruct the eastern Crab Creek trestle on the Palouse to Cascades State Park Trail, which was destroyed by fire in 2021. The western trestle at this location also burned in a 2019 wildfire, and this funding will enable State Parks to rebuild both east and west trestles at the same time.
- \$2 million is provided for the Farmland Protection and Land Access grant program, which provides farmland conservation easements to protect farms from development and make them more affordable to underserved and first-time farmers and ranchers.
- \$3 million is provided for the Voluntary Stewardship Program. This program offers counties and farmers options for protecting critical natural areas in places where agricultural activity is conducted.
- \$2.2 million is provided to continue design and permitting of the Deschutes Watershed Center. The new hatchery on the Deschutes River will increase Chinook salmon production in South Puget Sound.
- \$2.3 million is provided to repair or replace 13 structurally deficient bridges on forest roads.

## Education

### *K-12 Education*

- \$123 million is provided to implement the School Seismic Safety Grant Program under Substitute Senate Bill (SSB) 5933 and for completing the 2019-21 seismic retrofit program. SSB 5933 provides increased grant funding for schools in high seismic hazard areas, built before 1998 and not retrofitted to 2005 seismic standards.
- \$30 million is provided to complete design and begin construction of a new career and technical education facility at the West Sound Technical Skills Center in Bremerton.
- \$13 million is provided to assist the Almira School District in replacing their elementary and middle school, which was destroyed by a fire in October 2021.
- The School Construction Assistance Program is reduced from \$730.6 million to \$540.7 million for 2021-23. The \$189.9 million savings reflects lower than anticipated demand to qualified school districts for the construction, renovation, and modernization of K-12 school facilities in fiscal year 2023.

### *Higher Education*

- University of Washington (UW): \$10 million is provided for the UW Behavioral Health Teaching Facility for potential inflation and supply chain delays out of OFM's inflation contingency fund.
- UW: \$7.5 million is provided for the UW to accept grants and awards under the BIL.
- Washington State University: \$2 million is provided to install new high-density, compact shelving in Holland Library.
- Central Washington University (CWU): \$1.7 million is provided to cover CWU's increased costs from materials at their Health Sciences Building.
- Evergreen State College: \$1.1 million is provided to for the replacement of the campus emergency dispatch and communication system to allow integration into a regional dispatch and communication system with various public safety agencies.

- Western Washington University (WWU): \$3M is provided to continue WWU's 2021-23 classroom upgrades as well as for inflationary costs related to the Electrical Engineering and Computer Science Building.
- Pierce College: \$15 million in all funds is provided for asbestos abatement, interior demolition, and reconstruction of the Olympic South classroom building. During a remodel of the first floor, contractors discovered asbestos throughout the building

Additional details on the Senate proposal can be found [here](#) and a summary can be found [here](#).

### **Transportation:**

#### **Move Ahead Washington**

On Tuesday, February 8, the Senate and House Transportation Chairs, Senator Marko Liias (D-Lynnwood) and Representative Jake Fey (D-Tacoma), announced they had come to an agreement on a funding and spending plan for a transportation investment package this session, "Move Ahead Washington." In total the package will spend \$16.8 billion over the next 16 years. Notably, the proposal does not rely on new bonding, which means only a simple majority is needed for the bill to pass, requiring no Republican support. The proposal is quickly advancing through the legislative process having received multiple public hearings, votes out of committee, and passed the Senate chamber by a party line vote.

The proposal prioritizes funding in the following categories: funding newly discovered revenue shortfalls within the 2015 statewide Connecting Washington transportation revenue package, culverts, preservation and maintenance, ferries and a combination of multi-modal projects. Key highlights from the spending proposal include:

- \$3 billion in preservation and maintenance
- \$2.4 billion for culvert removal
- \$2.6 billion for new highway projects, including \$1 billion for the I-5 Columbia River Bridge and funding for the US 2 Trestle
- \$1.4 billion for existing projects, including addressing funding gaps on both I-405 and State Route (SR) 520
- \$3 billion for transit
- \$1.1 billion for ferries, including four new hybrid-electric vessels

Notably, the proposal does not rely on an increase in the gas tax. The package is funded through the following estimated revenue sources:

- \$5.4 billion: Climate Commitment Act funds
- \$3.4 billion: Federal infrastructure funds
- \$2 billion: One-time transfer from the state general fund
- \$1 billion in existing bonding authority.

- Fee increases:
  - \$2 billion: A six-cent tax on exported fuel
  - \$2 billion: Increase in several fees including, license plate fees, stolen vehicle check fees, dealer permit fees, driver license fees, aircraft fuel tax, fees not limited to fees on licenses, and increased driver abstract fees.

**The proposal included investments for three of Bellevue's priorities:**

- Eastrail: Funded at the full request of \$18 million
- Mountains to Sound Greenway Trail: Funded at the full request of \$6.9 million
- I-405/SR 167 Corridor: \$450 million is provided to the I-405/SR 167 corridor to ensure that projects can be delivered on time, including the north end improvements which are critical to the deployment of bus rapid transit along the corridor. The revenue proposal would appropriate \$380 million and assumes \$70 million from either a sales tax deferral (HB 1990) or bonding (HB 2089).

Additional details on the *Move Ahead Washington* revenue sources and spending plan can be found [here](#).

*The following bills are considered Necessary to Implement the Budget (NTIB) and are not subject to cutoff deadlines:*

- **Addressing Projects Along I-405/SR 167 Corridor:** Both [HB 1990](#) and [HB 2089](#) are considered Necessary to Implement the Budget (NTIB) and therefore not subject to cutoff deadlines. Although the bills differ in approach, both provide a financial pathway to overcome the \$450 million budget shortfall and keep the I-405/SR167 projects on schedule and in line with the Sound Transit construction projects. HB 1990 provides a sales and use tax deferral for qualified Interstate 405/State Route 167 corridor construction projects, and HB 2089 allows the bonds previously authorized for improvements on the Interstate 405 and State Route 167 corridor and the Puget Sound Gateway facility to be issued as solely toll revenue bonds. The \$450 million funding shortfall is addressed in *Move Ahead Washington* through a direct appropriation and sales tax deferral, both of these bills will remain viable until the end of session.
- **SR 520 Sales Tax Deferral:** Deferred sales tax payments on the site acquisition, construction, and equipment related to the SR 520 bridge replacement project are scheduled to begin at the end of 2022. [HB 2024](#), would further delay the start date of tax repayments from five years after completion to twenty-four years after completion. This is considered NTIB, and will remain a viable option as transportation investment package negotiations continue to progress.
- **Rights and Obligations of Transportation Network Company Drivers:** [HB 2076](#), sponsored by Representative Liz Berry (D–Seattle), would have created uniform statewide regulations for Transportation Network Companies (TNCs). As amended, this bill would have allowed cities that have for-hire-vehicle regulations, fees and taxes to remain in place but would restrict their ability

to raise fees/taxes in the future. The bill is considered NTIB and may advance outside of traditional legislative cutoff deadlines.

*The following bills were not brought up for a vote of the full House or Senate, and are considered “dead” for the 2022 Legislative Session:*

- **Dead - Road Usage Charge:** [HB 2026](#), sponsored by Representative Emily Wicks (D-Everett), would have established a voluntary road usage charge at a rate of 2.5 cents per mile. Electric and hybrid vehicle users who opt into the program, are allowed to waive their vehicle registration fees. Notably, electric vehicles purchased after July 1, 2025 are required to be enrolled in this program. The bill is not expected to advance this session but will be worked on over the interim months in preparation for the 2023 session.

### **Affordable Housing, Homelessness, and Human Services:**

*The following bills have passed by a vote of the entire House of Representatives or Senate and are considered “alive” for the 2022 Legislative Session:*

- **Grant Program for Shelters During Extreme Weather:** [HB 1620](#), sponsored by Representative Mari Leavitt (D-University Place), would establish a grant program for local governments to respond to community needs during extreme weather events such as setting up cooling or heating centers. The bill was voted out of the House by a vote of 68-28 and was scheduled for executive session in the Senate State Government and Elections committee on February 23.
- **Affordable Housing Real Estate Excise Tax (REET) Exemption** [HB 1643](#), sponsored by Representative Hackney (D-Seattle), would provide a state REET exemption for the sale or transfer of ownership of property to non-profit entities, housing authorities, or public corporations that intend to use the property for low-income rental housing or home ownership. Notably, this policy passed the legislature in 2020 with bipartisan support but was vetoed due to COVID-19 related budget concerns. The House approved the bill 93-4, and was scheduled for executive session in the Senate Housing and Local Government Committee on February 23.
- **Expanding multifamily property tax exemption (MFTE )to include converting existing multifamily units:** [SB 5832](#), sponsored by Senator Mona Das (D-Kent), would expand the MFTE to include the conversion of existing market-rate units to affordable housing. Under the provisions of the bill, the project applicant must rent or sell at least 30 percent of the units as affordable, or the applicant must rent or sell at least 50 percent more units than what is required by the local government under the program to qualify for the exemption. The Senate approved the bill 44-5, with an amendment that limits this MFTE to jurisdictions located in counties with a population over 300,000.
- **Supportive housing for persons receiving medical assistance:** [HB 1866](#), sponsored by Representative Frank Chopp (D-Seattle), aims to address homelessness by providing supportive housing to those receiving state medical assistance. The Apple Health and Homes Program would provide 12-month supportive housing to Apple Care recipients who have

significant barriers to stable housing. \$500 million from the Coronavirus State Fiscal Recovery fund would be used for the acquisition and development of the housing units. On February 13, the bill was voted out of the House by a vote of 98-2. HB 1866 was scheduled for executive session in the Senate Health and Long-Term Care Committee on February 23.

- **Homeless Encampments in Right-of-Way:** [SB 5662](#), sponsored by Senator Patty Kuderer (D), is legislation requested by the Governor that, as amended, would create an Office of Intergovernmental Coordination of public-right-of-way homeless encampments within the Department of Social and Health Services. The purpose of the Office would be to launch a statewide effort to reduce the number of people encamped on Washington State Department of Transportation right-of-way. The Senate Ways and Means Committee adopted an amendment that sunsets the Office in 2027 and requires an annual report to be developed by the Joint Legislative Audit and Review Committee, beginning December 1, 2023. On February 14, the bill was amended and voted out of the Senate by a vote of 36-12. The amendments added additional reporting requirements, added legislative intent to prioritize increasing statewide shelter and housing capacity, and directs regional coordination teams to prioritize engagement with encampments that present the greatest health and safety risk to the encamped population, public, workers, or rights-of way. The bill Was scheduled for executive session in the House Committee on Housing, Human Services and Veterans on February 24.

*The following bills were not brought up for a vote of the full House or Senate, and are considered “dead” for the 2022 Legislative Session:*

- **Dead - Limiting Rental Increases and Fees:** [HB 1904](#), sponsored by Representative Strom Peterson (D-Edmonds), would modify the Residential Landlord-Tenant Act to put in place additional measures to support tenants. As amended by the policy committee, the bill 1) requires landlords to provide at least 180 days and no more than 220 days’ notice for rent increases over 7.5 percent, 2) allows a tenant to terminate a tenancy for any rent increase over 7.5 percent, and 3) limits late fees to \$75. The bill also added tenant protections for those living in manufactured home parks. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.
- **Dead - Surplus Property for Affordable Housing:** [HB 1908](#), sponsored by Representative Mike Steele (R- Chelan), as amended, would have expanded the current law on surplus properties to support affordable housing. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.
- **Dead - Temporary Emergency Shelters:** [SB 5923](#), sponsored by Senator June Robinson (D-Everett), as amended would have allowed cities and counties to waive any state or local building code applicable to temporary shelters and defines “temporary shelter” as a use sited in a new or existing structure or modular structure that provides temporary sleeping and shelter accommodations for persons experiencing homelessness; such use may include common areas for food preparation, showers, or other commonly used facilities. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.
- **Dead - Manufactured/Mobile Home Communities:** [HB 1100](#), sponsored by Representative Davina Duerr (D-Bothell), would have required landlords of manufactured/mobile home



communities to provide written notices of opportunity to purchase and first right of refusal to certain community organizations and associations. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.

### **Climate and the Environment:**

*The following bills have passed by a vote of the entire House of Representatives or Senate and are considered “alive” for the 2022 Legislative Session:*

- **Public Facility Design:** [HB 1280](#), sponsored by Representative Alex Ramel (D- Bellingham), was introduced in the 2021 Legislative Session and was recently revived for 2022. The bill would require that when a government agency conducts a life-cycle cost analysis for a new facility, it must include an all-electric energy system as an option. On January 21, the bill passed out of the House by a vote of 57-40. The bill was scheduled for executive session in the Senate Environment, Energy, and Technology Committee on February 23.
- **Electric Vehicle Infrastructure in Common Interest Communities:** [HB 1793](#), sponsored by Representative David Hackney (D-Seattle), would prohibit common interest communities (e.g., condominiums, homeowners associations) from unreasonably restricting the installation or use of an electric vehicle charging station within the boundaries of an owner's unit or in a designated parking space. HB 1793 does however allow an association to impose reasonable restrictions like an application process, and cost coverage requirements related to the installation and the cost of electricity. On February 9, the bill was [amended](#) and voted out of the House by a vote of 67-29. HB 1793 was scheduled for executive session in the Senate Law and Justice Committee on February 24.
- **Strengthening Energy Codes:** [HB 1770](#), sponsored by Representative Davina Duerr (D) at the request of Governor Inslee, would implement a *net-zero ready* requirement for all new construction beginning in 2034- meaning each project must reduce energy use by 80 percent, use all-electric equipment and appliances, implement electrical panel capacity and wiring for solar panels, and incorporate electric vehicle charging and battery storage. Additionally, the legislation would allow local jurisdictions to adopt a new statewide ‘reach code’ for residential construction which cities, towns, and counties are currently preempted from doing. On February 12, the bill was voted out of the House by a vote of 51-47. HB 1770 was scheduled for executive session in the Senate Committee on Environment, Energy and Technology on February 23.
- **Reducing Greenhouse Gas Emissions in Buildings:** [SB 5722](#), sponsored by Senator Joe Nguyen (D- White Center), would build upon the Clean Buildings Act to create new tiers of performance standards for buildings between 20,000-49,999 square feet, which would also include large multifamily buildings. The bill as passed by the Senate Environment, Energy and Technology Committee includes a number of changes, including requiring the Department of Commerce to include a small business impact statement within program rulemaking, removing rent cap requirements for building assistance fund incentives, and extending the state energy standard early adoption incentive program to tier 2 covered buildings. On February 12, the bill

was voted out of the Senate by a vote of 27-22. The bill passed out of the House Committee on Environment and Energy on February 22.

- **Organics Recycling:** [HB 1799](#), sponsored by Representative Joe Fitzgibbon (D-West Seattle) aims to reduce food and yard waste in landfills by 75 percent by 2030. To achieve this goal, the bill would place several new requirements on local governments. The Association of Washington Cities (AWC) published an article on the impacts to local governments, which can be found [here](#). On February 11, the bill was amended and voted out of the House by a vote of 56-42. The striking amendment can be found [here](#) and summary of the current version of the bill can be found [here](#). The bill was scheduled for executive session in the Senate Committee on Environment, Energy and Technology on February 23.

*The following bills were not brought up for a vote of the full House or Senate, and are considered “dead” for the 2022 Legislative Session:*

- **Dead - Publicly owned electric utilities clarity to engage in targeted electrification:** [HB 1767](#), sponsored by Representative Alex Ramel (D-Bellingham) at the request of Governor Inslee, would have provided explicit authority for publicly owned utilities to engage in “targeted electrification,” which would allow incentives to be offered to customers if they switch from natural gas to electricity under certain conditions. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.
- **Dead - Recycling of Batteries:** [HB 1896](#), sponsored by Representative Harris-Talley (D-Seattle), would have required certain battery producers to participate in end of life management and collection via a registered stewardship organization and plan. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.

### **Social and Criminal Justice:**

*The following bills have passed by a vote of the entire House of Representatives or Senate and are considered “alive” for the 2022 Legislative Session:*

- **Use of bean bags:** [HB 1719](#), sponsored by Representative Dan Bronoske (D - Tacoma), clarifies that bean bags, rubber bullets, and other non-penetrative munitions can be used as a de-escalation tactic. Under current law, .50 caliber shotguns used to deploy less than lethal rounds are on the list of 'military equipment' that is not allowed for use by Peace Officers under HB 1310, passed in 2021. This bill was written in collaboration with HB 1310 sponsors and law enforcement in response to oversight when drafting police reform legislation. There is extensive support by law enforcement agencies as well as community members and proponents of HB 1310. On January 28, the bill passed the House by a vote of 95-0. HB 1719 was voted out of the Senate Law and Justice Committee on February 17 and was referred to the Senate Rules Committee.
- **Community Caretaking Function:** [HB 1735](#), sponsored by Representative Jesse Johnson (D-Federal Way), would clarify that deadly force may be used in the face of an immediate threat of serious injury against the officer or another individual and that physical force would be allowed

under limited circumstances to ensure the safety of officers when taking a person into custody for civil or forensic commitment. It eliminates the broad provision regarding enforcement of a court order and more narrowly authorizes physical force in specific circumstances. It also modifies the provision allowing a peace officer to use physical force to the extent necessary to take a minor into protective custody by removing references to specific statutes. Instead, an officer may do so when "authorized or directed by statute." The bill has maintained extensive support in both the House and Senate from Law Enforcement agencies, cities and counties, non-profits, and community members. On January 28, the bill passed out of the House by a vote of 90-5. The bill was voted out of the Senate Law and Justice Committee on February 17 and was referred to the Senate Rules Committee.

- **Public safety telecommunicators:** [SB 5555](#), sponsored by Senator Van De Wege (D-Sequim), would establish a statewide certification and training program for 911 operators. The bill passed the Senate unanimously. On February 18, an amended version passed out of the House Community and Economic Development Committee.
- **Use of Force/Vehicular Pursuits:** [SB 5919](#), sponsored by Senator Kevin Van De Wege (D-Sequim), is an alternative proposal to HB 2037 that also addresses use of force. Unexpectedly, this bill advanced out of the Senate (31-18) on February 9 without changes made in the Senate Law and Justice Committee. As passed out of the Senate, the bill establishes definitions for use of force, amends the standard of reasonable care, and addresses vehicular pursuits. The amended bill restores the standard of "reasonable suspicion," rather than "probable cause," for an officer to engage in a vehicular pursuit and expands the circumstances under which vehicular pursuits are allowed. Notably, pursuit is authorized in cases where the individual "poses a public safety risk" rather than is an "imminent threat to the safety of others," the current standard. This provision is extremely controversial among police reform advocates and many democrat legislators. If the bill advances, this provision is likely to be amended in the House. It is scheduled for executive session in the House Committee on Public Safety on February 24.
- **Defining Use of Force:** [HB 2037](#), sponsored by Representative Roger Goodman (D-Seattle), moved out of the House 87-11 on February 12. The definition of "necessary" was amended for clarity. The bill provides a statewide definition of use of force and deadly force. "Physical force" means any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury. The bill states that physical force can be used to protect against a criminal offense when there is probable cause that that the person has committed, is committing, or is about to commit an offense, and to prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained. This bill has been identified by proponents as the preferred vehicle for a definition of "use of force." The bill was scheduled for executive session in the Senate Committee on Law and Justice on February 24.
- **Co-Responder Training Program:** [SB 5644](#) establishes a co-responder learning academy in 2022 for individuals working in co-response programs to convene for training, networking, and sharing of best practices, including track offerings for different-sized jurisdictions and police-, fire-, and emergency medical services-based co-response programs. Four to six learning sites,

where individuals interested in co-response can spend a day learning with an experienced co-response team, would be established across the state. The Department of Health is also directed to develop a certification specific to behavioral health professions working in the co-response field. Sen Wagoner sponsored [a substitute bill](#) that would direct the University of Washington to take over the responsibilities previously given to the Washington Association of Sheriffs and Police Chiefs (WASPC) in this bill, including collaborating with stakeholders and developing an assessment of capacities and shortfalls. The substitute bill would also delay deadlines to 2023 and adds peer counselors to the list of participating entities. The bill was approved by the Senate unanimously. The bill was scheduled for executive session in the House Committee on College and Workforce Development on February 23.

*The following bills were not brought up for a vote of the full House or Senate, and are considered “dead” for the 2022 Legislative Session:*

- **Dead - Body Camera Grant Program:** [HB 1845](#), sponsored by Representative Mosbrucker (R-Goldendale), would have established a body camera grant program within the Washington Association of Sheriffs and Police Chiefs to create and manage a body camera grant program that would fund the purchase and maintenance of body cameras for Law Enforcement Officers. This grant money could also be used for the cost of digital storage of footage, the cost of public records requests, and any additional staff required to run the program. This bill has received strong support from AWC, WASPC, and police and sheriffs’ departments across the state. While the bill did not pass prior to the cutoff deadline, its contents may end up as a budget proviso.
- **Dead - Vehicular Pursuits:** [HB 1788](#), sponsored by Representative Eric Robertson (R), as amended, would have allowed officers to engage in vehicular pursuit when there is reasonable suspicion that the person in the vehicle has committed or will commit a violent offense, is driving under the influence, the person poses an imminent threat or the safety of others, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.

### **Fiscal Sustainability and Local Control:**

*The following bills have passed by a vote of the entire House of Representatives or Senate and are considered “alive” for the 2022 Legislative Session:*

- **Accessory Dwelling Units (ADU) - Mandates:** [HB 1660, sponsored by Representative Sharon Shewmake \(D-Bellingham\)](#), adds ADU provisions into the housing element of the comprehensive plan and prohibits regulations on the size of ADUs relative to the primary dwelling, with specific exceptions. It authorizes no less than one attached and one detached ADU on lots of 4,500 SF or more in single-family zones. It limits impact fees to no greater than 50 percent of what would be imposed on a similar-sized principal unit, eliminates off-street parking requirements within ¼ mile of a major transit center, eliminates owner-occupancy requirements unless the ADU is used as a short-term rental. The bill was further amended on

the House floor, banning homeowner's associations (HOA) and restrictive covenants from prohibiting ADUs prospectively, as opposed to retroactively. On February 14, the House approved the bill by a vote of 50-48. The bill was scheduled for executive session in the Senate Housing and Local Government Committee on February 24.

*The following bills were not brought up for a vote of the full House or Senate, and are considered "dead" for the 2022 Legislative Session:*

- **Dead - Preemption on Zoning of Missing Middle Housing:** [HB 1782](#) requires lots exceeding 4,500 square feet currently zoned for single-family within ½ mile walking distance of a major transit stop to be zoned to allow for duplex, triplex, fourplex, detached ADUs, stacked flats, townhouses, courtyard apartments, and cottage homes. Additionally, duplexes, ADUs, detached ADUs, must be allowed on all lots exceeding 4,500 square feet currently zoned for single-family, and triplexes must be allowed on all corner lots exceeding 5,000 square feet. As an alternative to the above requirements, a city may adopt an average minimum net density equal to 33 dwelling units per acre within ½ mile walking distance of a major transit stop. Notably, the bill also includes provisions to exempt HOAs from density mandates but does state that moving forward, they are unable to create new policies to ban density. In an attempt to address concerns from local governments, the bill's sponsor released a new version that raised the population threshold for impacted cities from 10,000 to 30,000. The bill also limited the impacted areas of cities to ¼ mile from a major transit stop. These changes mitigated concerns from many smaller jurisdictions but did not address the myriad of implementation challenges previously raised. The bill was not brought to the House floor for a vote and is now dead. However, there is the potential that another bill with a broad title could be used as the vehicle to continue advancing these policies this session.
- **Dead - Alternative Missing Middle -** [HB 1981](#), sponsored by Representative Pollet (D-Seattle), is an alternative approach to the missing middle proposal described above. The bill is an attempt to increase density in urban areas while also addressing many of the concerns local governments have raised about costs for planning, infrastructure, etc. Notably, the bill removes the 1 percent property tax cap, creates a new funding stream for local planning, and increases local taxing authority. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.
- **Dead - Accessory Dwelling Units - Incentives:** [HB 1711](#), sponsored by Representative Gerry Pollet (D-Seattle), allows cities and counties to offer incentives for the development of accessory dwelling units, including the waiver of fees, deferral of taxes, or waiver of regulations, as long as the accessory dwelling units are subject to binding commitments that they will not regularly be offered for short term rental and there is a program to audit compliance with the commitments. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.
- **Dead - REET Incentive for Density:** [HB 1157](#), sponsored by Representative Jessica Bateman (D-Olympia), would have offered jurisdictions a portion of the state REET for modifying local codes to increase density. Cities would have the authority to designate one or more REET density incentive zones within certain parameters. Dwelling units that are then constructed



within the zone would be eligible for a share of the state REET. Last year, HB 1157 passed the House by a vote of 93-4, but ultimately failed to pass. This bill could be deemed necessary to implement the budget, however, it is considered dead for 2022.

### **Other Bills of Interest**

*The following bills have passed by a vote of the entire House of Representatives or Senate and are considered “alive” for the 2022 Legislative Session:*

- **Net Ecological Gain:** [HB 1117](#), sponsored by Representative Debra Lekanoff (D-La Conner), would integrate net ecological gain and salmon recovery into comprehensive plans. The bill was introduced during the 2021 session and has carried over for consideration during the 2022 session. This session, the House approved the bill 57-40. The bill was scheduled for executive session in the Senate Housing and Local Government Committee on February 24.
- **Planning for Climate Change within the Growth Management Act (GMA):** [HB 1099](#), sponsored by Representative Davina Duerr (D-Bothell), adds climate change mitigation as a goal of the GMA and establishes a climate change and resiliency element within the GMA. Most provisions only apply to the largest and fastest growing cities within the following counties: King, Pierce, Snohomish, Clark, Benton, Spokane, Thurston, Whatcom, and Kitsap Counties. Affected jurisdictions must include a greenhouse gas (GHG) emissions reduction sub-element within the climate change and resiliency element established in the bill. The sub-element requires impacted jurisdictions to plan for specific actions that will reduce GHG emissions and vehicle miles traveled (VMT) within the jurisdiction. All jurisdictions fully planning under the GMA are also required to plan for climate resiliency; however, the bill was amended to allow existing and future Federal Emergency Management Agency Hazard Mitigation Plans to fulfill this requirement, which many local governments already have in place. Notably, the bill does not include a funding contingency clause which is of concern to local governments. Funding is needed to ensure locals are provided resources to complete the new planning requirements. The bill passed out of the Senate Housing and Local Government Committee on February 17.
- **GMA Planning – Eight to Ten Years:** [HB 1241](#), sponsored by Representative Davina Duerr (D-Bothell), pushes out the revision cycle for comprehensive plans updates from eight to 10 years. This is a carry-over bill from the 2021 legislative session and has been heavily negotiated by AWC and the Washington State Association of Counties, both of which support the bill. In addition to changing the revision cycle, the bill subjects the largest and fastest growing counties and cities within these counties to a 5-year check-in on key comprehensive plan elements, including housing, greenhouse gas, and vehicle miles traveled reductions (established in HB 1099). The bill provides a 6-month extension on the deadline for comprehensive plan updates for the first cycle of counties up for revision: King, Kitsap, Pierce, and Snohomish Counties. On February 13, the bill was approved by the House by a vote of 55-43.
- **SEPA Exemption for Housing:** [SB 5818](#), sponsored by Senator Jesse Salomon (D-Shoreline), would limit SEPA and other appeals for implementation of Housing Action Plans and other housing-related actions to increase residential building capacity. The Senate Housing and Local Government Committee amended the bill, largely with technical amendments. The bill

was scheduled for executive session in the House Environment and Energy Committee on February 24.

- **Urban Growth Area (UGA) Boundaries:** [SB 5593](#), sponsored by Senator Shelly Short (R-Addy), allows counties to make net-zero change land swaps within their UGA – i.e., adjust existing boundaries of the UGA to account for unanticipated growth so long as total UGA surface area remains the same. The bill was amended to address concerns raised at the hearing. Areas added under this bill may not be of long-term commercial significance, must be contiguous, and do not contain more than 15 percent critical areas. Counties must identify services and facilities that will serve the UGA within their transportation element and capital facility plan. On February 15, the Senate approved the bill by a vote of 49-0. It was scheduled for executive session in the House Committee on Local Government on February 23.
- **Grant Funding for Transit-Oriented Development:** [SB 5312](#), sponsored by Senator Mark Mullet (D-Issaquah), provides grant funding to cities to facilitate transit-oriented development by preparing SEPA environmental impact statements, planned action ordinances, subarea plans, and the utilization of other tools under SEPA. The bill carried over from the 2021 session, has been approved by the Senate by a vote of 48-0, and was scheduled for executive session in the House Environment and Energy Committee on February 22.
- **Prejudgment Interest Costs:** [SB 5155](#), sponsored by Senator Patty Kuderer (D-Bellevue), as introduced would have allowed interest on judgments for tortious conduct to begin to accrue from the date on which a person suffers an injury or loss. For a city, that means interest would have begun to accrue before a claim was filed and before a city was made aware of the injury or loss. On January 19, the bill was revived, amended, and voted out of the Senate by a vote of 31-18. Notably, the bill was amended to exempt public agencies, including cities. SB 5155 was scheduled for executive session in the House Committee on Civil Rights and Judiciary on February 23.
- **Open Public Meeting Act - Accessibility:** [HB 1329](#), sponsored by Representative Emily Wicks (D-Everett), originally introduced in the 2021 Legislative Session, would require an opportunity for the public to either verbally or in writing provide comments at every regular meeting where final action is taken. It also requires that any individual that requests to provide oral comment remotely must be accommodated if doing so is feasible. On January 12, the bill passed the House by a vote of 79-16 and was scheduled for executive session in the Senate State Government and Elections Committee on February 23.
- **Timing Restrictions for Remedial Action Grants to Local Governments:** [SB 5895](#), sponsored by Senator David Frockt (D-Seattle), removes the permitting timeline for grants received through the Department of Ecology's Remedial Action Grant (RAG) Program. This is a fix to legislation passed in 2019, [SB 5599](#), also sponsored by Senator Frockt, restructuring the Model Toxics Control Account. Among other changes, the bill required RAG grant recipients to have all required permits in place one year after the beginning of the biennium to receive funding. This provision was put in place to prevent awardees from holding up funding; however, the timeline has become an unintentional barrier, as permit acquisition for large-scale brownfield cleanup projects is extensive and time consuming. Grant recipients across the state have flagged this issue. On February 10, the bill passed the Senate unanimously and was scheduled for a hearing in the House Capital Budget Committee on February 24.

- **Ban Weapons in Council Meetings:** [HB 1630](#), sponsored by Representative Tana Senn (D-Mercer Island), prohibits the open carry of firearms and other weapons in certain locations used for public city council meetings, public school board meetings and other local government meetings. The bill exempts federal, state, or local law enforcement officers, or any hired security personnel from the restrictions outlined in the proposal. It also clarifies that the restrictions do not apply to concealed carry of a pistol by a person who has a concealed pistol license in any voting center and changes the violation to a gross misdemeanor. The bill passed the House 57-41, with two amendments that provide further direction around required signage and adds spring blade knives to the list of prohibited weapons in election-related facilities.
- **Voting Rights Act:** [SB 5597](#) would automatically place jurisdictions with more than 10,000 in population and greater than a 10 percent voting age minority population in preclearance. Preclearance requires the jurisdiction to obtain either a certification from the Attorney General or a judgment in Thurston County superior court that certain actions will not deny or abridge the right to vote on account of protected class status or result in retrogression of the electoral position of protected classes. Once in preclearance the bill provides no way to get out. Actions for which covered jurisdictions must seek certification or judgement include:
  - adding at-large seats to the governing body;
  - changing the jurisdiction's boundaries in a manner that reduces the proportion of a single protected class by at least 5 percent;
  - redistricting;
  - changes restricting access to interpreter services or reductions in availability of non-English voting materials; and
  - changes to the plan of government.

On February 10, the bill was voted out of the Senate by a vote of 29-20. It was scheduled for executive session in the House State Government and Tribal Relations Committee on February 23,

- **State-Shared Revenues – Cannabis:** [SB 5796](#), sponsored by Senator Rebeca Saldana, as amended, would change the distribution of cannabis revenues. Of the revenues generated, 1.5 percent to local governments based on proportional, jurisdictional cannabis revenue collection and 3.5 percent to local governments ratably on a per capita basis. It's unclear what this means for individual jurisdiction distributions but would result in \$1.4 million less statewide than currently is distributed. As introduced, the bill would have *increased* revenue distributions to cities. On February 14, the bill was voted out of the Senate by a vote of 41-7. It was scheduled for a hearing in the House Appropriations Committee on February 22.
- **Redistricting Procedures:** [SB 5560](#), sponsored by Senator Jamie Pedersen (D-Seattle), aims to provide further transparency and restore public trust in the redistricting process by requiring future redistricting commissions to make plans available publicly for at least 72 hours prior to voting, and any proposed amendments to the map must be discussed and voted on publicly. The commission must also submit their plan to the Legislature with maps, clear definitions, and census data. SB 5560 would not apply to this year's redistricting plan but would go in effect after the 2030 census. On February 2, the Senate approved the bill by a vote of 47-0. SB 5560 has passed out of the House State Government and Tribal Relations Committee on February 21.



- **Consolidated Local Permit Review Processes:** [SB 5964](#), sponsored by Senator Mark Mullet (D-Issaquah), takes a different approach to streamlining permits. Notably, this bill would provide funding for local governments and highlights the need for new tools to support the complex planning policies that go beyond building codes as well as funding to help local governments convert from paper processes to electronic. Other provisions of the bill include exempting certain site permit alterations and the creation of a work group to study software to support online permitting. The Senate approved the bill 49-0. It is scheduled for executive session in the House Local Government Committee on February 23.
- **Property tax exemption:** [SB 5505](#), sponsored by Senator Rolfe (D-Bainbridge Island), would reinstate a property tax exemption for non-profits, including churches, where the property is used for a farmers market. On February 8, the bill passed the Senate by a vote of 49-0, and was scheduled for executive session in the House Finance Committee on February 24.

*The following bills were not brought up for a vote of the full House or Senate, and are considered “dead” for the 2022 Legislative Session:*

- **Dead - Expanding Access to Water, Storm Drains, and Sanitary Sewer Systems:** [HB 1627](#), sponsored by Representative Keith Goehner (R-Wenatchee), would allow for expanded access to water, storm drains, and sanitary sewer systems outside of city and urban growth areas. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - Open Public Meeting Act – Emergency Provisions:** [HB 1056](#), sponsored by Representative Gerry Pollet (D-Seattle), originally introduced in the 2021 Legislative Session, would have allowed local governments to hold virtual meetings during any emergency where it is reasonably unsafe to meet in-person (e.g. current pandemic, or a snowstorm), without having to wait for the Governor to make a proclamation and/or for the proclamation to be continuously extended by the Legislature. The bill does not allow for an in-person meeting option when the Governor has ordered otherwise; only the reverse – a virtual meeting when the Governor has NOT issued a proclamation specifically authorizing a virtual format. This bill was recently revived, and then not brought up for a vote prior to cutoff. While this bill is considered dead for 2022, certain elements of the bill may be amended into another bill relating to open public meeting (HB 1329).
- **Dead - Conservation District Elections:** [HB 1652](#), sponsored by Representative Laurie Dolan (D-Olympia), would have reformed the law on conservation district elections to increase voter turnout, and to provide greater access and transparency. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - Body Worn Camera Footage:** [HB 1991](#), sponsored by Representative Jamila Taylor (D-Federal Way), would have allowed a jurisdiction to provide police body worn camera footage through the public records act unredacted to a defense attorney who is receiving the same unredacted footage through the discovery process. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - Preemption of Open Carry:** [SB 5568](#), sponsored by Sen. Patty Kuderer (D-Bellevue), would have permitted local governments to enact local ordinances restricting open

carry of weapons at any public meeting, any building or facility owned or operated by a city, town, county, or other municipality; or any city or municipal park within their respective jurisdiction. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.

- **Dead - Impact Fee Deferrals:** [HB 1714](#), sponsored by Representative Davina Duerr (D-Bothell), would have modified how local governments implement the impact fee deferral program by repealing the requirement that a lien be imposed on a property receiving an impact fee deferral and by providing the option to defer collection of an impact fee until the time of closing of the first sale of the property. The bill was brought forward after the conclusion of a recent [report](#) by the Joint Legislative Audit Review Committee. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - City Election Reform:** [HB 1727](#), sponsored by Representative Mia Gregerson (D-SeaTac), would have eliminated the statewide general election in odd-numbered years, to better align with state and federal general elections. The sponsor of this legislation noted the cost to cities to have extra elections, as well as lower voter turnout in even-year general elections. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - Parks Funding:** [HB 1025](#), sponsored by Representative Emily Wicks (D-Everett), would have authorized a city or county to adopt a voter approved one tenth of one percent sales tax to fund parks and recreation. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - Utility Bills and Tax Transparency:** [SB 5712](#), sponsored by Senator Bob Hasegawa (D-Seattle), would have required utilities to disclose the rates of state and local taxes imposed on the utility, if any, and how those rates are applied to a customer's billed charges. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - Smoke Control Systems:** [HB 1971](#), sponsored by Representative Eric Robertson (R-Sumner), would have clarified legislation passed during the 2020 Legislative session (HB 2701) that created laws around fire and smoke control system testing. As amended, the building code council is directed to adopt rules related to the installation, maintenance, inspection, and testing of smoke control system and fire and smoke dampers. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - Fire Benefit Charges:** [HB 1811](#), sponsored by Representative Mike Sells (D-Everett), would have allowed cities with fire departments that are not part of a fire district to impose fire benefit charges to help fund fire services. To impose a fire benefit charge, the charge must be voter-approved for up to six years, limited to less than 60 percent of the fire department budget, and be based on the benefit to the buildings and property receiving fire services. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Dead - Blake/Streamline Process:** [SB 5663](#), sponsored by Sen. Manka Dhingra (D), would have provided a streamlined response to the 2021 *Blake* decision which is a Supreme Court decision that determined the statute that previously penalized the possession of a controlled substance was unconstitutional. This has resulted in thousands of convictions needing to be removed from criminal record and millions in legal financial obligations to be repaid. Under the original bill, cities would have had three months from the bill being signed into law to determine

how many cases with qualifying convictions exist within their municipal court jurisdiction. The bill was amended in the Senate Law and Justice Committee to expand the time that cities have to report from 3 months to 6 months. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.

## **POLICY & FISCAL IMPACTS**

The State Legislature addresses a range of policy issues of interest to the City.

## **OPTIONS**

N/A

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

N/A

## **AVAILABLE IN COUNCIL LIBRARY**

N/A